

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MOHAMMAD ZAKI AMAWI,)
)
Plaintiff,)
)
vs.) **Case No. 13-cv-866-JPG-PMF**
)
J.S. WALTON, et al.,)
)
Defendants.)

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is plaintiff Mohammad Zaki Amawi's motion for a preliminary injunction (Doc. No. 41). Amawi is proceeding on *Bivens* claims pertaining to his prison housing assignment, asserting that he was deprived of his rights to procedural due process and equal protection. He is also proceeding under a claim under the Administrative Procedures Act. Amawi has been housed in the Communications Management Unit (CMU) at USP-Marion for almost 4 years. He is subject to increased monitoring of communication between inmates and persons in the community, due to his convictions in 2008 of conspiracy to kill, kidnap, maim or injure persons outside of the United States; conspiracy to provide material support to terrorists; and distributing information regarding explosives. Amawi seeks an order directing the Bureau of Prisons to transfer him to a general population unit or the CMU unit at USP-Terre Haute.

In order to establish that he is entitled to a preliminary injunction, Amawi must show that he has some likelihood of success on the merits of his claims, that he does not have an adequate remedy at law, and that he will suffer irreparable harm if the injunction is not granted. *Exell v. City of Chicago*, 651 F.3d 684, 694 (7th Cir. 2011). The Court must also consider the public interest, weighing factors in a sliding scale approach. *Christian Legal Society v. Walker*, 453 F.3d 853, 859 (7th Cir. 2006). Injunctive relief must be narrowly drawn, extend no further than

necessary to correct the harm, and be the least intrusive means necessary to correct the harm. 18 U.S.C. § 3626(a)(2).

The defendants have not yet appeared and have not received a copy of plaintiff's motion. In these particular circumstances, the Court is not inclined to consider plaintiff's request for preliminary injunctive relief without notice to the opposing side and an opportunity to be heard on the issues. See Fed. R. Civ. P. 65(a)(1).

IT IS RECOMMENDED that plaintiff's motion for preliminary injunctive relief (Doc. No. 41) be DENIED.

SUBMITTED: November 18, 2013.

**s/Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE**